1: Thurston & Rangachari AW50 Badaga AW50

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[For information on oaths, see Category 782.]

1: Thurston & Rangachari E,G-4,5 (no date) 1909
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651 was the extent or position of the lands to be cultivated
656 specified. The ryot used his implements whenever and wherever he pleased. No restrictions, even on the felling of forests, were imposed, so that the hill-sides and valleys were cleared at will. The system was abolished in 1862. But, during the settlement, I found this erkādu kothukādu system still in force in the flourishing Badaga village of Kinnakorai, with some fifty houses."

622 In connection with the local self-government of the Badagas, Mr. A. Rajah Bahadur Mudaliar writes to me as follows. "In former days, the monegar was a great personage, as he formed the unit of the administration. The appointment was more or less hereditary, and it generally fell to the lot of the richest and most well-to-
622 do. All disputes within his jurisdiction were placed
627 before him, and his decision was accepted as final. In simple matters, such as partition of property, disputes between husband and wife, etc., the monegars themselves disposed of them. But, when questions of a com-
622 plicated nature presented themselves, they took as their
623 colleagues other people of the villages, and the disputes
627 were settled by the collective wisdom of the village elders. They assembled at a place set apart for the purpose beneath a nīm (*Melia Azadirachta*) or pīpal tree (*Ficus religiosa*) on a raised platform (ratchai), generally situated at the entrance to the village. The monegar was *ex-officio* president of such councils. He and the committee had power to fine the parties, to excommunicate them, and to readmit them to the caste.
622 Parents resorted to the monegar for counsel in the dis-
584 posal of their daughters in marriage, and in finding brides for their sons. If any one had the audacity to run counter to the wishes of the monegar in matters

622 matrimonial, he had the power to throw obstacles in the way of such marriages taking place. The monegar, in (584) virtue of his position, wielded much power, and ruled (661) the village as he pleased." In the old days, it is said, when he visited any village within his jurisdiction, the monegar had the privilege of having the best women or maids of the place to share his cot according to his choice. In former times, the monegar used to wear a silver ring as the badge of office, and some Badagas still have in their possession such rings, which are preserved as heirlooms, and worshipped during festivals. The term monegar is, at the present day, used for the village revenue official and munsiff.

612 I gather that each exogamous sept has its headman, called Gouda, who is assisted by a Parpattikāran, and decides tribal matters, such as disputes, divorce, etc. • 627 Fines, when inflicted, go towards feasting the tribe, and doing pūja (worship) to the gods. In the case of a dispute between two parties, one challenges the other to take an oath in a temple before the village council. A declaration on oath settles the matter at issue, and the 624 parties agree to abide by it. It is the duty of the Parpattikāran to make arrangements for such events as the Heththeswāmi, Devvē and Bairaganni festivals, and 795 the buffalo sacrificing festival at Konakkore. The Par- 783 pattikāran takes part in the purification of excommunicated members of the tribe, when they are received back into it, for example, on release from prison. The tongue of the delinquent is burnt with a hot sandal stick, and a new waist thread put on. He is taken to the temple, where he stands amidst the assembled Badagas, (624) who touch his head with a cane. He then prostrates himself at the feet of the Parpattikāran, who smears his 624 forehead with sacred ashes. It is, further, the duty of

2: Hockings E-4,5 (1962-1977) 1980
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unilinear kin group in which actual descent from a common male ancestor is now only a presumption (Gillin, 1948, 439; Murdock 1949, 66; Firth, 1951, 53; for fuller information on Badaga kinship, see Hockings, in press).

At this level of social organization the unit is spatially widespread: two clans are confined to a single village each (only among Kumba:ras); others are represented in clusters of nearby villages, while over half the forty-four clans are Nilgiri-wide in occurrence.

Clans are relevant in the arrangement of marriages, for there are fixed rules about which clans may marry; for example, Adikiris may marry Ha:ruvas but never Kaggusis. Clans may also form a community of interest for the pursuit of really serious disputes. In 1897, for instance, the Ha:ruvas of two different lineages in neighbouring villages were in dispute over which should have precedence during the annual fire-walking ceremony at Me:lu:ru. Having arrived at a compromise by which each group celebrated the festival on the alternate years, the whole Ha:ruva clan laid claim to a higher status than Wodeas, Adikiris or Kaṇakkaṣ. A schism within the Ha:ruva clan has not emerged since (see below, pp. 203–204).

PHRATRY

Among the Badagas two to fourteen clans form a larger unit that we call the *phratry*. Most of these phratries and some of the clans have been called sects or subcastes by previous authors, if only because they are named social units. It is manifestly confusing, however, to apply the same term to two quite distinguishable kinds of social unit. A phratry is usually defined as a grouping of two or more clans whose members assume a conventional bond of kinship which, though undemonstrable, is at least supported with a story of their common origin. In the Badaga community most phratries are non-exogamous, but in certain cases exogamy is tolerated; no Badaga phratry is totally endogamous (Lowie, 1948, 338; compare Diagram 7). The phratries each carry a distinguishable subculture. The smallest in size are divided into two clans, identifiable as agnates and affines. Phratries with more than about a thousand members have a larger number of clans and thus a more complex internal organization. In this respect the two thousand Christians mark the extreme of complexity.

2: Hockings E-4,5 (1962-1977) 1980
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villages, however, the Kurumba watchman has these duties.[19] It is recorded that in the nineteenth century they were also 'weaving a kind of sackcloth',[20] but today neither they nor anyone else can recall this activity.

Alone of all phratries the Toreas are under a slight disadvantage in the Badaga judicial system. In villages where other Badagas also live they may find that, while being permitted to bring cases to the village or commune council and to sit through its deliberations, they must not take part in the discussion that leads up to the headman's decision. A Torea village headman who is excluded from a meeting of the commune council may not complain about such demeaning treatment in the way that any other headman in the commune undoubtedly would. The depressed status of Toreas is symbolized by the fact that during the great memorial ceremonies for a deceased generation *(Manemale)* the Toreas have a separate, smaller catafalque beside the main one.

Many of the twenty-six Torea villages are adjuncts to Gauda villages, set off from them by a mere stone's throw; but a group of nine Torea villages on the eastern edge of the plateau are so isolated that their only close contact is with the Wodeas of De:na:du.

Toreas have two clans, and in many villages both are represented. Despite the well-known precedents in other phratries, they have not begun to marry non-Toreas.

The Toreas can be offered vegetarian food in the houses of all higher phratries and meat in those which habitually eat it themselves. Recently some Gaudas have interdined with Toreas on an equal footing, in their inner rooms, although traditionally none of the other groups would allow Toreas into the inner, more sacred room; they were expected to eat in the outer one. 'If they should eat food with other Badagas, the Toreyas must clear away all remnants of the feast—nobody else will help' (Benbow, 1930, 11). No other phratry, not even the Christians, will accept food in the house of a Torea (Tignous, 1911, 117). In terms of the commensality rules pertaining elsewhere in India the Toreas may therefore have the appearance of a low or untouchable caste; and it is true that, Christians apart, they are the lowest of the Badaga phratries. There is nevertheless a Badaga rule that 'foreigners' and plainsmen may not enter the inner room of any Badaga house: they may be offered food only on the veranda or in the outer room. Badaga

2: Hockings E-4,5 (1962-1977) 1980
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8

Administration and Law

CUSTOMARY LAW

629 Until the end of the last century the Indian Penal Code and the British system of local administration had little relevance to Badagas. They had their own uncodified law and their own headmen and councils to administer it.

101 Three periods are distinguishable in their legal history: one prior to the advent of the British when something akin to *lex talionis* was operative; a second period when Badagas still had full control of their legal procedure but operated it under the aegis of the British; and a third period, from about 1900 to the present, when litigants played off the Badaga system against the magistrate's court in an attempt to win cases through obscuration.

104 There are no records for the phase of *lex talionis*, but a rough account of the procedure is provided by legend. A village council sat in judgment and stipulated a time and place for punishment of the guilty. The man who had assaulted someone was to be kicked or beaten by him, the rapist had to offer his wife to the aggrieved husband, and the murderer was hanged by the family of his victim.

105 By the start of the nineteenth century this pattern had given way to one that is with some modification still in effect today. It originated before coinage was circulating in the Nilgiris, for the earliest fines, as among the Todas, were paid in buffaloes and not rupees. Although there are no written records the procedure can be described in detail because of its recency.

4: Hockings E-5 (1962-1977) 1980
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rational manipulation—imponderable factors like the will of God, for example—others are as close to the individual as the diseases that afflict his own body. It seems that all Badagas recognize six kinds of specialists as mediators between the individual and his cultural and biological environment. (Their importance is incidentally expressed in a proverb: "You should not stay in a village without a mediator [even till] noon.")

The first of these categories is the paramount chief (*na:ku betta gauda*) of all the Badagas, a man whose powers are now greatly diminished, but who in earlier times was ultimately responsible for mediating between the community and the outside world. This meant that he was obliged to intercede with and pay revenue to the Muslim overlords in the eighteenth century and the East India Company in the early nineteenth century. Since then he has continued to mediate between the Badagas and the Toda, Kota and Kurumba tribes on issues that concern the entire community.

Secondly, each hamlet headman (*gauda*), aided by a small council of elders, is responsible for mediating between the individual and the traditional laws and customs of the community. He is thus responsible for conformity and punishment in his hamlet.

Thirdly, the priest in each village, as everywhere else in India, is responsible for mediating between man and the gods. His ability to gain their attention and win their support is crucial for the fertility of crops and cattle, and hence for the well-being of the village community.

These three types of mediators are not primarily concerned with issues of health, except incidentally when a village has to be vacated during an epidemic. But the other three mediators are all health specialists. The midwife is concerned with the yet unborn. The therapist deals with problems of the living body (human or animal). The exorcist mediates between the community and the ghosts of the dead. Each is thus relied upon for mediation in a well-defined sphere, as Diagram 5 illustrates.

This "sphere of mediation" that separates the individual Badaga from the problems of everyday life differs in its economic dimension from comparable mediation in the Western world. We normally pay our doctor or dentist for his professional services when we feel we need them; the Badaga normally does *not* pay directly for any of these six types of mediator, and indeed it is by no means always the suffering individual who makes the decision to

621 arises. The headman of each chief hamlet is called "village headman", and is
632 responsible for all hamlets in his "village". In each of the four divisions the head-
631 man of one particular "village" is also divisional headman. In Todanad, further-
more, the headman of Tuneri hamlet and "village" — a Badaga — is not only divisional headman of Todanad as well, but in addition is "President" of the Nilgiris (i.e. Chief of all Badagas). Similarly, the headman of Ba'skola hamlet is not only headman of Merkumad division, but is also Vice-President of the Nilgiris. (The terms "president" and "vice-president" have been used here as loose translations of the complicated Badagu terms, and do not reflect any British influence on the local political organization.) For any judgment at the supreme level, both the President and the Vice-President have to take part in the council.

Except under unusual circumstances, including incompetence, these
[423] offices are hereditary at all levels, and are passed from father to eldest son. The
[627] village and divisional boundaries are all inflexible; although before the British land
[648] settlement (the authentication of land holdings, made during the 1880's), neighbor-ing divisions occasionally staked the solution of a boundary dispute on the results of a tug-of-war between mixed teams of Badagas, Todas and Kotas from the two divisions involved.

Traditionally the headman has two kinds of duty to perform: he must take
622 charge of the organization of any festivals and public ceremonies in his hamlet or
632 village, and he must try to settle disputes. Let us consider each of these duties in turn.

Some of the annual festivals are celebrated separately in each hamlet, others are celebrated by a "village" as an entirety. In the first case a hamlet headman would be in charge, and in the second the "village" headman would be.

given these circumstances. The actual constitution of the judicial council at any level, for Kotas as for Badagas, is very much a matter to be decided by plaintiff and defendant: certainly the headman must be a participant, but which of the other elders will take part is not necessarily fixed either by custom or by the headman. The counterpart of this situation is where two Badagas are involved in a dispute; and each may then go to his Kota partner in expectation of winning his support. The Kota partners of the two men might afterwards discuss the matter between themselves and try to bring the two Badagas to a compromise. Alternatively, the two Kota partners may quarrel between themselves over the matter, in which case it is then taken before the Kota headman. At this point the Kota headman is very likely to summon the hamlet headman of the two Badaga disputants, as well as the disputants themselves, and a council would be held at a stipulated time in the Kota village. It is worth noting that when any council --- whether Badaga or Kota --- discusses a case, the final judgment, although effectively a consensus or at least a majority view, is actually made by the headmen in charge, on the basis of the various arguments he has heard. Thus when such a council is meeting in a Kota village to hear a Badaga case, the Badagas are bound to accept the Kota headman's judgment; for if they tried to evade it afterwards they could incur the anger of all Kotas and thereby jeopardize the community interrelationship.

If a Badaga disputing with a Kota is fined, it will not be in cash but in male buffaloes, which the Badaga himself must drive to the Kota (where they will be killed and eaten). If it is the Kota disputant who is fined, he must pay the Badagas a stipulated amount of metal goods, generally axes. In either case the guilty man gives the fine to the headman of the other disputant's village, and not to the disputant himself.

618 A special type of intertribal conflict used to arise if a Badaga failed to make the annual gift to his Kota partner. Should this happen and the Badaga later find himself in need of Kota music for a ceremony, he would probably receive from his partner a lame excuse for not being able to attend with the band. In such a situation the Badaga could then go to the Kota headman and explain how he was unable to give the Kota anything that year. This headman might then arrange with the partner to take the musicians to the Badaga's village, by getting a promise that the goods would be supplied at a later date.

627 618 In the traditional situation it was very common for minor disputes to be settled at ceremonies, especially funerals. Here again the Kotas might play a crucial role in settling purely Badaga quarrels. Thus, if a Kota headman or some other elder at a Badaga ceremony notices that one Badaga man is resolutely refusing to dance with the others, he may enquire about this and will often find that the man who will not dance is involved in a dispute with one of the men responsible for putting on the ceremony. In this situation the Kotas call together all the Badaga headmen or other responsible elders who are present and, after they have conducted an enquiry then and there, some solution may be reached. If the party in the wrong is fined, the fine will be divided between all headmen present, including those of the Kotas and the wrongdoer's village. The Kota can even undertake to stand surety for the man if he has no money with him — as is often the case; and the Badaga will then receive instructions as to when he must deliver the fine to the Kota's village. In this case, the Kota will have to send out his own messengers carrying an equal portion of the fine to each of the headmen who helped solve the case.

If a dispute is clearly on too big a scale to be solved quickly during a ceremony, or if the quarrel arises during the ceremony and so cannot be solved easily

627 then because of hot tempers, the Kota headman can help the ceremonial proceed-
628 ings along by saying: "I'll take the case. Come to my village on such-and-such a day, and I'll settle the matter. Now dance and perform all the rituals."

000 Some illustrations of how the judicial system works will be offered when we discuss the changes that have taken place over the past 50 years. Further reference will also be made to disputes when we discuss the question of factions, and the influence of power on the judicial processes.

159 as a whole, the implication of the kick was that it was a direct insult to Lingan's
565 entire hamlet. And because the man who had given the kick was a member of the
672 gentry, the insult was considered to have come from his entire family. Knowing
592 all this, Lingan felt justified in making the attack on his friend. Belli recognized
(556) this fact and did not try to evade the implication; for to do so might bring his status
(627) as a member of the gentry into question. Belli therefore meekly apologized for his
brother's behavior and, as he is a headman himself, thereupon fined himself four
annas (5¢ U.S.) without calling any council to discuss the incident. He immediately
handed the sum over to Lingan; but later gave his brother a stern lecture about his
indiscretion."

This case makes a good illustration for the Badaga proverb, "The prestige
565 of a great man can depend on a small boy." The people expect more honorable,
672 even exemplary, behavior from the gentry than from others; and this expectation
592 applies as much to younger members of the gentry as to their elders. The rule
making the head of a gentry family responsible for the behavior of all its members
thus constrains the younger members to behave in a way that will not dishonor the
(558) family head and thus the family reputation. If younger sons err seriously, they
are likely to be disinherited and lose the claim to the status of gentry.

During the hearing of disputes a council is normally confronted with con-
554 tradictory evidence. Whenever this happens they tend to evaluate the evidence not
695 only in terms of any sort of abstract logical consistency, but also with respect to
(562) the social status of the people presenting the evidence. The rules for evaluating
(565) contradictory evidence are therefore, I was told, that a headman should be believed
(609) before any other man, a higher-level (e.g. divisional) headman before a lower-
(561) level one, a man should be believed before a woman, a member of the gentry or

8: Hockings E-5 (1962-1977) 1982 AN50 Badaga AN50

4. Visiting the Relatives: A Kin-based Institution

All Badagas are expected by their families to visit affinal and agnatic relatives with some regularity. The effect of this requirement is to keep the joint family ideal alive even after a household has broken up, and to sustain the ties with affines from whom one may at any time need either a spouse or a loan of money.

One such rule is that all Badagas must eat with their close relatives at least once a year. "Close relatives" here means those with whom one is involved in the performance of family ceremonies: it hence includes both one's closer agnates and some affines. Accordingly, a family either sends a message that the members are coming to visit some relatives, or will send an invitation for them to visit instead; and such visits involve minimally the eating of one meal. Everybody recognizes that if relatives do not eat together within a twelve-month period, it means that there is some ill-feeling between them. Steps may even be taken by village elders to locate and rectify the source of the friction, so that it may not impede the performance of ceremonies later on. There may of course be other reasons, such as distance or occupation, which make it impossible for relatives to get together; in this case they may still send gifts of food to each other once a year. In the modern day when business or study obligations can make these family feasts difficult to attend, some Badagas go so far as to prepare a special foodstuff before the twelve-month period since the last such feast has elapsed, a foodstuff which can be kept indefinitely and be fed to relatives whenever convenient, even after the twelve-month period is over.

A man visiting his wife's natal home is always an important guest whether or not he has received an invitation to come. Her family are all very respectful to him for fear he decrease the amount of his wife's contacts with them, which he is certainly in a position to do. For all family ceremonies or festivals in their village, they make sure he is among the first to be invited. When younger siblings of his wife are ready for marriage, he is consulted about a spouse, and may intensify the ties between the two families by suggesting his own sibling or parallel cousin. Hence, any villagers noticing that a man does not attend the ceremonies in which his wife's father is involved will conclude that he is snubbing his father-in-law for some reason.

Visits in the other direction, to the house of a married daughter or sister, are much more circumscribed. Her parents will not go to her husband's home without a good reason. They will however make occasional visits there just to emphasize the bond between the two families and to show that the parents still have affection for their daughter. Her brothers should equally have an invitation or a definite purpose for visiting her. In general, her natal family consider it rather lacking in dignity to visit her too often, and they will try to restrict the visits of any brother who seems especially fond of her. Her husband's family may well feel that very frequent visits from her brothers waste a woman's working time and can even become something of an economic drain.

9: Natesa Sastri U-5 (no date) 1892
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101 dynasty of Madura. To these Nâyakkas or Vaḍugas the Baḍagas
174 were allied, and they were thus originally the Sûdras of the Maisûr
country. They were, however, completely Âryanised before they
[101] commenced their march three centuries ago to the district where
they now live, and it is therefore not surprising that they should
have brought with them many of the ancient Âryan institutions.

[620] Chief among these may be noted the system of local self-govern-
ment that even yet exists among them though in an impaired form.
From the traces that are still left it is evident that the village com-
munity system prevailed among them in a complete state in the old
days of their settlement on the Nîlagiris.

622 Each village has a head man called the Monegar. He is gene-
[554] rally the richest man in the village, and is regarded as the highest
authority upon all subjects. Before the year 1820, while the
[175] Nîlagiri district had not yet been made a separate district but only
formed a single tâlûk in the Coimbatore district, the power of
[631] these Monegars was much greater than it is now. At that time
communication was difficult and much of the Nîlagiris had not yet
been opened up, and in the different villages the Monegar was the
paramount power. Stories are current even to the present day of a
Monegar of one village who ordered an individual who had dis-
obeyed his orders to be covered with a slab of stone. Unless the
disobedience was of a most flagrant nature and really amounted to
a determined disregard of constituted authority, such a high-handed
exercise of autocratic power must have been resented by the
people, for the Monegar was not an irresponsible autocrat, but a
[631] ruler holding his power by the goodwill of the whole community.
The British Government has made these Monegars officials in
connection with the revenue administration of the villages, but
apart from this they still have certain important duties to perform
in connection with the social life of the Baḍaga community. In
all religious and social questions the Baḍagas go to the village
Monegar. If the question is a simple one he settles it himself, if
it is intricate he calls a village council to which the elders of the
village are summoned. After taking their opinion he passes an
order which must be obeyed, for his word is law.

622 Questions of partition, of cultivation and of outcasting, disputes
623 and other minor matters, are thus settled by the village council with
the Monegar as its head. It is, however, in questions arising in
[627] connexion with marriage that the Monegar and his council play
1584 their most important part. When a girl in one village is going to

9: Natesa Sastri U-5 (no date) 1892
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622 584 [623] be married to a boy in another village, the parents of the young people have to represent the matter to the Monogars of their respective villages. This is done after the courtship stage has been reached and the young people have agreed to marry one another, but even then if for any reason the Monegar forbids the contracting of the marriage the matter must at once stop, and no appeal to any higher authority is possible. Such a thing rarely occurs, but when it does there is no remedy, except that it may be possible to induce the Monegar to alter his decision by means of a judiciously administered bribe.

595 622 627 681 Owing to the existence of polyandry and ideas connected with it, things that would be regarded by other peoples as the gravest offences against morality are tolerated or even approved of by Badaga public opinion. Offences against the curious rules for the regulation of family life that obtain among the Badagas are brought to the village Monegar, who punishes the culprits by inflicting fines upon them. But however lax the Badagas may be in their ideas of morality within the family, they regard with the greatest displeasure and visit with the severest punishment any one who goes astray with a man of another caste, even though he be of the Brahman caste. The village Monegar conducts an enquiry, and if he finds the guilt of the accused person proved, he pronounces sentence of excommunication, and the unfortunate woman loses her caste and is driven from the community.

622 627 586 [623] The village Monegar is also president of the divorce court—for, as was stated in my previous article, divorce, which is not uncommon in the Badaga community, can, after the cord-tying ceremony has been performed, be granted only by a regular decision of the Monegar and his village council. If a man and his wife do not like one another they have to bring the matter before the Monegar. He assembles a court, and himself acting as its president sanctions a separation or deals with the matter otherwise. If separation is ordered the person who is to take the divorced woman as his wife returns the *Sîla haṇa* or cloth money (Rs. 1½), and the price originally paid to her by her first husband. The children, if there be any, belong to the father. The woman if she dislikes her second husband may apply for a second separation. Society does not look upon her as a bad woman because of these divorces or separations, and recognises all her children as lawfully born Badagas.

586 621 622 623 725 One more illustration may be given of the functions of the Monegar and the village council. If any Badaga family becomes very